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An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Clyde Valley Electrical Power Company. A.D. 1912.

WHEREAS His Majesty's Secretary for Scotland has after inquiry held before Commissioners made the Provisional Order set forth in the schedule hereunto annexed under the provisions of the Private Legislation Procedure (Scotland) Act 1899 and it is requisite that the said Order should be confirmed by Parliament: 62 & 63 Vict.
c. 47.

Be it therefore enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:—

1. The Provisional Order contained in the schedule hereunto annexed shall be and the same is hereby confirmed. Confirmation
of Order in
schedule.

2. This Act may be cited as the Clyde Valley Electrical Power Order Confirmation Act 1912. Short title.

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SCHEDULE.

CLYDE VALLEY ELECTRICAL POWER.

Provisional Order to confer further powers on the Clyde Valley Electrical Power Company with reference to the capital of the Company to confirm an Agreement with the County Council of the County of Lanark and for other purposes.

WHEREAS the Clyde Valley Electrical Power Company (in this Order called "the Company") were incorporated by the Clyde Valley Electrical Power Act 1901 with an authorised capital of nine hundred thousand pounds divided into ninety thousand shares of ten pounds each and under the powers contained in that Act and the Clyde Valley Electrical Power Act 1904 (herein-after called "the Act of 1901" and "the Act of 1904" respectively) have constructed certain generating stations and sub-stations and other works at a cost of 15 upwards of seven hundred thousand and fifty pounds:

And whereas the Company have issued share capital to the amount of six hundred thousand pounds in sixty thousand ordinary shares of ten pounds each and such shares are fully paid up: 20

And whereas it is expedient that the Company should be authorised to issue their unissued share capital or any part thereof as ordinary shares or as preference shares with the priorities rights liabilities privileges and preferences and on the terms and conditions in this Order provided and to convert a portion of the ordinary shares already issued into preference shares but so that not more than one half of their share capital shall consist of preference shares and also to form and maintain sinking contingency or reserve funds for the further securing of their preference shares and loan capital: 30

And whereas it is expedient that the agreement made between the county council of the county of Lanark and the Company contained in the schedule to this Order should be confirmed and that further powers be conferred upon the Company and such further provisions be made as are contained in this Order: 35

And whereas the purposes aforesaid cannot be effected without an Order of the Secretary for Scotland confirmed by Parliament under the provisions of the Private Legislation Procedure (Scotland) Act 1899:

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5 Now therefore in pursuance of the powers contained in the last-mentioned Act the Secretary for Scotland orders as follows:—

1. This Order may be cited for all purposes as the Clyde Valley Electrical Power Order 1912 and shall come into operation at the date of the passing of the Act confirming the same which
10 date is herein-after referred to as "the commencement of this Order" and the Act of 1901 and the Act of 1904 and this Order may be cited together as the Clyde Valley Electrical Power Acts 1901 to 1912.

Short title
and com-
mencement
of Order.

2. Notwithstanding anything contained in the Act of 1901
15 and the Act of 1904 and the Acts incorporated therewith the following provisions shall apply to the creation and issue of the share capital of the Company (whether such capital be authorised as original or additional capital) and may be exercised by the Company by resolution passed at any general meeting of the
20 Company called and held in accordance with the provisions of those Acts and the Acts incorporated therewith as amended by this Order:—

Creation and
issue of share
capital by
Company.

(1) The Company may create and issue any portion not
25 exceeding in all one half of their authorised capital as preference shares with such rights liabilities privileges and preferences as they think fit. Provided that the nominal amount of such preference shares shall not at any time exceed the nominal amount of capital issued as ordinary shares:

30 (2) The Company may provide that such preference shares shall be entitled to a cumulative preferential dividend or interest not exceeding the rate of six pounds per centum per annum and that if the profits of any half-year are not sufficient to pay such dividend or interest
35 the deficiency shall be made good out of the profits of any subsequent half-year or any funds of the Company which may have been set aside for securing the payment of such dividend or interest:

40 (3) Such preference shares may from time to time be issued by the Company with such rights of priority and

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other rights in the distribution of the assets of the Company as the Company may think fit (including the right to repayment of the amount of preference capital at the time issued and paid up and of any arrears or deficiency of dividend thereon in priority 5 to the ordinary share capital) and the Company may provide that when the holders of such preference shares shall have received repayment in full of the amounts paid up by them and of any arrears or deficiency in the dividend which should have been 10 paid to them thereon they shall not in respect of such shares be entitled to any further participation in the assets of the Company :

- (4) The Company may on such terms and conditions as they think fit form and maintain special sinking 15 contingency or reserve funds for the purpose of securing the repayment in any distribution of the assets of the Company of any issue of preference shares of the Company and of the payment of any deficiency or arrears of dividend thereon and may 20 provide for half-yearly or other payments out of profits into such funds and for the application thereof to the payment of dividends on such issue of preference shares and to the purchase of such preference shares or of other securities or otherwise and for the 25 final distribution of such funds and they may appoint trustees to receive hold manage and apply such funds all on such terms and conditions and with such powers and immunities as the Company may prescribe : 30
- (5) All the preference shares of the Company whether new shares issued in terms of this section or ordinary shares converted into preference shares in terms of the next following section shall rank *pari passu* as regards dividend or interest the repayment of capital 35 and otherwise :
- (6) Except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any preference shares issued under the authority of this section : 40

- (7) The terms and conditions on which any preference shares are issued shall be clearly stated on the certificate of such shares. A.D. 1912.

3. The Company may if so authorised by a resolution of a majority of not less than four fifths of the holders of the ordinary shares of the Company present in person or by proxy at a general meeting duly called for that purpose convert into and issue as preference shares any number not exceeding one half of such issued ordinary shares in accordance with such resolution and with the provisions of the immediately preceding section but so that the shares of all the individual holders shall be dealt with proportionately. Provided that the preference shares of the Company including any shares converted under this section shall not at any time exceed forty-five thousand preference shares of ten pounds each. Conversion of ordinary shares into preference shares.

4. The provisions of section 21 (Power to borrow) of the Act of 1901 are hereby repealed and in lieu thereof the following provisions shall have effect: Power to borrow.

The Company may in respect of the capital of nine hundred thousand pounds which they are by the Act of 1901 authorised to raise from time to time borrow on mortgage of the undertaking any sum or sums not exceeding in the whole three hundred thousand pounds and of that sum they may borrow any sum or sums not exceeding one thousand pounds in respect of each three thousand pounds of such capital. But no part of the before-mentioned sums of one thousand pounds shall be borrowed until shares for the portion of the capital in respect of which the borrowing powers are to be exercised are issued and accepted and one half thereof is paid up and the Company have proved to the sheriff who is to certify under the forty-second section of the Companies Clauses Consolidation (Scotland) Act 1845 (herein-after in this Order called "the Clauses Act of 1845") before he so certifies that shares for the whole of such portion of capital have been issued and accepted and that one half of such portion has been paid up and that not less than one-fifth part of the amount of each separate share in such portion of capital has been paid on account thereof before or at the time of the issue or acceptance thereof and that such shares were issued and accepted and to the extent aforesaid paid up bona

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vide and are held by the persons to whom the same were issued or their executors administrators successors or assigns and also that such persons or their executors administrators successors or assigns are legally liable for the same and upon production to such sheriff of the books of the 5 Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

For appointment of a judicial factor.

5. The provisions of section 22 (For appointment of a 10 judicial factor) of the Act of 1901 are hereby repealed and in lieu thereof the following provisions shall have effect:

The mortgagees of the Company may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a judicial 15 factor and in order to authorise the appointment of a judicial factor in respect of arrears of principal the amount owing to the mortgagees by whom the application for a judicial factor is made shall not be less than ten thousand pounds in the whole. 20

Nothing in this section shall prejudice any appointment which may have been made or the continuance of any proceedings which may have been commenced prior to the commencement of this Order.

Sinking fund for mortgages.

6. The Company may on such terms and conditions as they 25 think fit form and maintain sinking funds for the redemption of mortgages or apply to that purpose any of the funds of the Company (not appropriated to and required for any other purpose) or any authorised contingency funds and may appoint trustees to receive hold manage and apply such funds on such terms and 30 conditions and with such powers and immunities as the Company may prescribe.

Power to pay commission on issue of capital &c.

7.—(1) Notwithstanding anything contained in the Act of 1901 or the Acts incorporated therewith the Company may issue any part of their capital which the Company are or may here- 35 after be authorised to raise to such persons on such terms and conditions (including the payment of commission not exceeding seven and one half per centum for underwriting or procuring subscriptions for any part of the capital of the Company) and in such manner as the directors think advantageous to the Company 40

Provided that the payment of any commission and the amount or rate per centum of the commission paid or agreed to be paid shall be respectively disclosed in the prospectus or other document of the Company inviting subscriptions for such capital.

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5 (2) Nothing in this section shall affect any power of the Company to pay brokerage.

8.—(1) The Company may subscribe for purchase take up hold and dispose of any shares or stock or any securities of and may lend money on mortgage bond or other security to any
10 authorised distributors as defined by the Act of 1901 other than local authorities to whom the Company are giving or have agreed or may agree to give a supply of electrical energy in bulk and any agreement for giving such supply may contain provisions with respect to the subscription for purchase and taking up by
15 the Company of any such shares stock or other securities or the lending of money by the Company as aforesaid.

Power to Company to hold securities &c. of certain companies and local authorities and to lend money.

(2) The Company may subscribe for purchase take up hold and dispose of any shares or stock or any securities of any company giving or agreeing to give to the Company a supply of
20 gas waste heat or other form of energy for the purposes of or in connexion with the generation of electrical energy or giving or agreeing to give to the Company a supply of electrical energy and may lend money on mortgage bond or other security to any such company.

25 (3) The amount subscribed expended or lent by the Company under the provisions of this section shall not at any time exceed one fifth of the amount of the capital of the Company at the time subscribed and paid up.

9. The Company may subscribe for purchase hold take up
30 and dispose of shares or stock in any company taking or agreeing to take a supply of electricity from the Company or who are establishing or are about to establish factories or electrical or other works within the area of supply of the Company and may lend money on mortgage bond or other security to any such company or
35 to any firm or person taking or agreeing to take such supply from the Company or who are establishing or are about to establish factories or electrical or other works within the area of supply. Provided that the amount so subscribed and lent by the Company under this section shall not at any one time exceed seventy-five
40 thousand pounds.

Power to subscribe for shares or lend money to other undertakers.

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Company
may incur
temporary
loans.

10. The Company may for the purposes of or in connexion with their business borrow moneys on temporary loans by means of overdrafts or otherwise and may draw accept and endorse bills of exchange or other negotiable instruments.

As to
qualification
of directors.

11. Notwithstanding anything in the Clauses Act of 1845 incorporated with the Act of 1901 no person shall be disqualified from being a director of the Company by reason of his holding any office or place of trust or profit under the Company or by reason of his being interested in any contract with the Company nor shall any director cease from voting or acting as a director of the Company by reason of his accepting any such office or place of trust or profit under the Company or becoming interested in any such contract with the Company. Provided that in the case of his being or becoming interested in any contract with the Company whether such interest shall arise before or after his appointment as a director the nature of his interest in the contract shall be disclosed by him at the meeting of the directors at which the contract is determined on if his interest then exists or in any other case at the first meeting of the directors after the acquisition of his interest or after his appointment and also in the next annual report of the Company and that no director shall as a director vote in respect of any such contract and if he does so vote his vote shall not be counted but this prohibition shall not apply to any contract by or on behalf of the Company to give to the directors or any of them any security by way of indemnity.

Continuing
directors.

12. The continuing directors may act notwithstanding any vacancy in their body but so that if at any time the number of directors of the Company holding office shall be less than the minimum number prescribed by section 26 (Number of directors) of the Act of 1901 the directors shall not except for the purpose of filling vacancies and allotting shares to any proposed director or directors act so long as the number is below such minimum.

Notice of
candidature
for office of
director.

13. Except in the case of a director retiring by rotation and offering himself or being proposed for re-election no person shall be capable of being elected a director of the Company in place either of a director retiring by rotation or of a director dying refusing to act or ceasing to be qualified or being disqualified to act unless notice in writing that such person intends to

offer himself or will be proposed for the office of director shall have been given to the secretary of the Company or left at the office of the Company fourteen days at least before the day of election.

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14.—(a) The directors of the Company may appoint one or more of their body to be managing director or managing directors of the Company either for a fixed term or without any limitation as to the period for which he or they is or are to hold such office and may remove or dismiss him or them from office and appoint another or others in his or their place or places.

As to appointment of managing director.

(b) A managing director shall not while he continues to hold that office be subject to retirement by rotation and he shall not be taken into account in determining the rotation of retirement of directors but if he cease to hold the office of director from any other cause he shall ipso facto immediately cease to be a managing director.

(c) The remuneration of a managing director shall from time to time be fixed by the directors and may be by way of salary or commission or participation in profits or by any or all of those modes.

(d) The directors may entrust to and confer upon any managing director such of the powers exercisable by the directors and subject to such conditions as they may think fit and may revoke withdraw alter or vary all or some of such powers Provided that the directors shall be responsible for the acts of any managing director acting under the powers of this subsection.

15. Section 74 (Notice of meetings to be given by advertisement) of the Companies Act of 1845 incorporated with the Act of 1901 shall in its application to the Company be read and have effect as if the words "seven days" had been inserted in such section in lieu of the words "ten days."

Alteration of notice of meetings.

16. Section 75 (Quorum for a general meeting) of the Companies Act of 1845 incorporated with the Act of 1901 shall in its application to the Company be read and have effect as if the word "seven" had been inserted throughout such section in lieu of the word "twenty" and as if the expression "the capital of the Company" meant the issued capital of the Company.

Alteration of quorum of general meetings.

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As to appointment
of proxies.

17. Notwithstanding anything in the Clauses Act of 1845 incorporated with the Act of 1901 it shall be lawful (1) for the attorney of any shareholder duly authorised in writing to appoint a proxy to vote for and on behalf of any such shareholder and for such purpose to execute on behalf of such shareholder the necessary form of proxy provided that the instrument appointing such attorney shall be transmitted to the secretary of the Company at the same time as the instrument appointing such proxy. And (2) for any corporation holding shares in the Company to appoint as their proxy a person who is not himself a shareholder to vote for or on behalf of such corporation.

Joint
holders.

18. Notwithstanding anything contained in the Clauses Act of 1845 incorporated with the Act of 1901 where several persons are jointly entitled to and registered as holders of any share any one of such persons may vote at any meeting either personally or by proxy in respect of such share as if he were solely entitled thereto but if more than one of such joint holders be present at any meeting personally or by proxy that one of the said persons so present whose name stands first on the register in respect of such share shall alone be entitled to vote in respect thereof. Several executors or administrators of a deceased member in whose name any share stands shall for the purposes of this section be deemed joint holders thereof.

Confirmation
of agreement
in schedule.

19. The agreement as set forth in the schedule to this Order made between the county council of the county of Lanark and the Company is hereby confirmed and made binding on the parties thereto and shall be carried into effect according to the true intent and meaning thereof. Except so far as may be necessary with a view to obtaining protection for the rights and interests of the Company under the said agreement that agreement shall not form a ground for the Company opposing the annexation to the city of Glasgow of any area to which that agreement may apply.

Payments by
county council
to Company.

20.—(1) The interest which by the Second Article of the Agreement set forth in the schedule to this Order is required to be paid to the Company by the county council of Lanarkshire shall not be held to be capital outlay in terms of the said Article and shall be defrayed during the current and

the next two successive financial years out of the general purposes rate authorised by the Lanarkshire Electricity and Refuse Destruction Order 1903 to be levied within the respective special Lighting Districts named in the said agreement. A.D. 1912.

5 (2) The sums borrowed by the said county council for the repayments to the Company under the said Article shall be repaid within such period not exceeding twenty-five years as the Secretary for Scotland may approve.

10 21. The Company may manufacture purchase hire sell let on hire or otherwise deal with dynamos electric motors accumulators meters burners arc and other lamps fittings wires plant engines conductors machinery apparatus and appliances for or in relation to the production supply distribution or utilisation of energy required for or in connexion with their electrical works and undertaking. Power to Company to supply fittings &c.

20 22. The Company may apply for or towards the purposes of this Order to which capital is properly applicable any sums of money which they have already raised or are authorised to raise under the authority of the Act of 1901 and the Act of 1904. Power to apply funds.

23. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Order and the confirming Act or otherwise in relation thereto shall be paid by the Company. Costs of Order.

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The SCHEDULE referred in to the foregoing Order.

AGREEMENT between the COUNTY COUNCIL OF THE COUNTY OF LANARK incorporated by Act of Parliament (herein-after called "the Council") of the first part and the CLYDE VALLEY ELECTRICAL POWER COMPANY incorporated by the Clyde Valley Electrical Power Act 1901 and having its principal office at Number 53 Bothwell Street Glasgow (herein-after called "the Company") of the second part for the supply of electrical energy within the Electric Lighting Districts of Bellshill Bothwell Uddingston and Shettleston and Tollcross.

WHEREAS the council by Provisional Orders confirmed by Parliament on the fourth day of August one thousand nine hundred and six obtained power to supply electricity within the lighting districts as therein defined of Bellshill Bothwell Uddingston and Shettleston and Tollcross:

And whereas the area within which the Company are authorized to supply electrical energy in bulk and for power purposes includes the areas of the said Provisional Orders:

And whereas the Company with the consent of the council have laid within the said districts or some of them low-tension distribution systems in connexion with electric lighting and power supplies and are supplying current to consumers and entered into an agreement with the council of date twentieth and twenty-fifth March nineteen hundred and eight (herein-after referred to as the "Bulk Supply Agreement"):

And whereas the parties entered into another agreement of date the third day of June and thirteenth day of October one thousand nine hundred and ten for the purpose of carrying out the council's statutory obligations and rights under the said Provisional Orders and have since arranged that that agreement should be modified so as to be in the terms herein set forth:

Therefore it is hereby agreed as follows:—

First This agreement shall come into force except in so far as herein otherwise provided as on the thirty-first day of December one thousand nine hundred and nine notwithstanding the dates hereof and shall subsist for a period of thirty years thereafter but it shall be in the option of the council to terminate the agreement as regards any or all of the said districts as at the thirty-first day of December in either of the years one thousand nine hundred and nineteen or one thousand

nine hundred and twenty-nine on giving to the Company six months' written notice of their intention so to do provided always and declaring as it is hereby expressly provided and declared:—

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(1) That if the council exercises said option they shall notwithstanding during the remainder of the unexpired period of thirty years aforesaid continue to take in bulk from the Company the whole current required by them for the supplying of electricity for lighting and power purposes within the areas of supply under the said Orders of the district or districts specified in such notice or notices respectively and that at the price or prices and subject to the terms and conditions except as regards periodicity set forth in the Bulk Supply Agreement Provided that the right to appeal to an arbiter for a revision of prices conferred by Article Eleven of that agreement shall be exercised by either party only on the expiry of ten years from the coming into force of this agreement and thereafter on the expiry of each subsequent period of five years notice of the intention to appeal being given in every case within one month after such expiry Provided further that the said Bulk Supply Agreement shall not come into operation unless and until the council exercise the said option to terminate this agreement as regards any of the said districts in which event the said Bulk Supply Agreement shall come into operation as in this article provided in any districts regarding which such option has been exercised:

(2) That in the event of the council exercising the option hereinbefore conferred on them and of the Company being able to show that during the period of the subsistence of this agreement they have been at an actual loss in the working of this agreement within any one or more of said districts in respect of which said option has been exercised taking into account depreciation of the Company's plant for supplying such district or districts at seven per centum per annum on the cost thereof interest at five per centum per annum on the cost thereof and proportion of general oncost expenses they shall notwithstanding such exercise be entitled to claim an extension of this agreement within such district or districts for such period as will in the opinion of an arbiter (failing agreement) be sufficient to recoup the Company for such loss but the loss in one district shall be recouped only by an extension in that district and such extension shall in no case exceed ten years and the other terms of this agreement shall apply:

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- (3) That on the termination of this agreement quoad each of the said districts respectively the obligations of the Company under all the succeeding articles hereof except the eighth and last articles shall be determined quoad each such district but shall remain in force quoad the other districts. 5

Second The council shall repay to the Company the capital outlay properly expended and duly vouched by them to the date when this agreement shall come into force on low-tension distribution systems in connexion with public and private lighting supplies and power users from such systems within the said districts with interest thereon at the rate of four per centum per annum from the respective dates of disbursement until repaid by the council and shall provide any further capital outlay which may with the approval of the council in writing under the hand of the county clerk be so expended by the Company. 10

Third The Company shall during the subsistence of this agreement and any extension thereof as herein-before provided pay to the council as aftermentioned an annual return of five and a half per centum per annum on such capital outlay and interest thereon paid to the Company and that at two dates in the year viz. on the fifteenth day of May and the eleventh day of November for the period preceding 20 with interest thereon at five per centum per annum from the date of payment till paid.

Fourth The annual return required to be paid under Article Third hereof shall be held to accrue as follows:—

- (1) In the cases of Bellehill and Sbettleston from the date on which 25 the capital sum under Article Second hereof is repaid by the council to the Company; and
- (2) In the case of the remaining districts from the expiry of two years from the first date of payment of the capital sums to be provided by the council for these districts respectively. 30

The above dates shall apply to the moneys already expended in the several districts. On all moneys subsequently expended in any of the districts the return shall be calculated from the dates on which they are respectively paid by the council but in no case earlier than the dates above specified. The first proportional payment to the council 35 shall in each case be made on the fifteenth day of May or the eleventh day of November first occurring after the return shall commence to accrue as herein-before provided for the period to that date.

Fifth If at any time after the expiry of the first twelve years of the subsistence of this agreement the revenue received from the operation of the said low-tension systems after the annual return payable to the council and any payments under Article Ninth hereof and the actual 40

works cost at the generating station of the Company and the distribution and development expenses of the electricity sold through the said low-tension systems are deducted be shown to exceed a sum representing ten per centum on the capital expended by the Company on the proportion of generating plant distributing mains and sub-station equipment necessary in connexion with the said low-tension systems plus an allowance of ten per centum of the gross revenue received from such low-tension systems for management expenses the council shall be entitled to share equally with the Company in the net excess and the Company shall account for and pay the same to the council.

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Sixth. The Company shall during the subsistence of this agreement maintain the systems in good and substantial repair and at its natural or earlier or later termination shall hand over the same to the council in sound working order.

Seventh. The Company shall work the systems so as to avoid any contravention of the provisions and conditions of the Orders or the Electric Lighting Acts 1882 to 1909 or any rules or byelaws made thereunder by the Board of Trade or any contravention omission or failure which might entail the cancelling of the Orders or any of them or prejudicing the council's rights thereunder and in particular but without prejudice to the foregoing generality they shall during the subsistence of this agreement or any extension thereof as herein-before provided unless prevented by causes beyond the control of the Company afford at all times during both day and night a sufficient and satisfactory supply to the satisfaction of the arbiter after referred to of electricity for all purposes capable of being afforded by the said low-tension systems within the several districts and in the event of their failing to do so or to comply with any of their obligations under this agreement the council shall unless such failure or non-compliance is due to causes beyond the control of the Company have the right to terminate this agreement on one month's written notice without compensation but without prejudice to any claim for damages which the council may have against the Company for such contravention omission failure or non-compliance. Declaring that these provisions are in favour of the council only and that it shall not be competent for third parties to found upon the same. Provided that insufficiency of moneys required in connexion with the undertaking shall not be held to be a cause beyond the control of the Company.

Eighth. The whole property and interest in the said low-tension systems so far as paid for by the council shall be held to pass to and be vested in the council as at the date or dates when the cost thereof shall be repaid or provided as aforesaid by the council, and at the

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termination of this agreement or at the termination of any extended period of working as herein-before provided the council shall be entitled at their option to take over from the Company at a price failing agreement to be fixed by arbitration the whole machinery plant and others comprising or connected with the said low-tension systems on the low-tension side of the Company's sub-stations supplying the said low tension systems in so far as not already acquired by them and the Company shall if and when called upon to do so be bound to grant all deeds necessary for transmitting to and fully vesting the said low-tension systems or any part thereof in the council and to grant all necessary conveyances of the titles to the subjects on or in which the said low-tension systems shall have been erected or laid including wayleaves but the expense of such deeds and conveyances shall be borne by the council.

Ninth Notwithstanding that under Article Eighth hereof the property of the undertakings in the said districts shall be vested as aforesaid in the council the Company shall during the subsistence of this agreement remain liable for and shall defray or repay to the council all rents feu-duties and duplications thereof payments for wayleave rates taxes and public burdens in respect of such property so far as in the possession of the Company.

Tenth The council shall have right at all reasonable times to enter or inspect by themselves or by their employees or others duly authorised by them the sub-stations transformer stations mains and others and to examine the books and accounts of the Company for the purposes of Article Fifth hereof and to call for all necessary vouchers.

Eleventh The Company will use their best endeavour in their reasonable discretion to extend and develop the use of electricity for lighting and domestic purposes and shall not without the consent of the council which shall not be unreasonably withheld charge to individual consumers in said Districts a higher price or prices than fifty per centum of the rates specified in the schedule to the said Provisional Orders. But this provision shall not apply to standby or other special supplies.

Twelfth The Company during the subsistence of this agreement and any extension as aforesaid shall free and relieve the council from any claims or liabilities for any accidents penalties or claims for damages at the instance of employees or consumers or third parties caused incurred or arising in the construction or operation under this agreement of the said low-tension systems or connected therewith or from the default of the Company or its employees. Declaring that these provisions are in favour of the council only and that it shall not be competent for third parties to found upon the same.

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Thirteenth The Company shall provide the council with an inventory of and large scale maps showing the distribution system and said inventory and maps shall be kept up to date by the Company.

5 Fourteenth Subject always to the due fulfilment by the council of their obligations under the said Provisional Orders the Company may exercise such of the powers privileges and exemptions under the said Provisional Orders in connexion with the laying repairing
10 of charges from consumers as may be necessary for the effectual carrying out of this agreement during its subsistence When desired by the Company the council shall from time to time give all such statutory and other notices to third parties as the Company may deem necessary for the proper carrying out of this agreement
15 and shall at the expense of the Company afford the Company all proper facilities for enforcing said notices and the Council's statutory rights privileges and exemptions under said Orders by legal action arbitration or otherwise as the circumstances may require.

Fifteenth The terms of this agreement shall be applied to the
20 Blantyre Electric Lighting Order District at such time as the council and the Company may mutually agree as to the same.

Sixteenth This agreement is subject to such alterations as Parliament or the Secretary for Scotland may think fit to make thereon but if any alteration shall be so made which in the opinion
25 of either party is material either party may withdraw from the same.

Lastly Any question or dispute arising under this agreement or any matter referred to an arbiter hereunder shall be determined by an arbiter to be mutually agreed upon or failing agreement to be
30 appointed by the Board of Trade.

In witness whereof these presents written on this and the seven preceding pages are executed by the parties as follows viz. They are sealed with the seal of the council and subscribed for and on behalf thereof by Robert Lambie and James Prentice
35 two of the members thereof and Thomas Munro county clerk all at Hamilton on the twenty-fifth day of March one thousand nine hundred and twelve before these witnesses Robert Lile and Duncan James Black both clerks in the county office there and they are sealed with the seal of the Company and subscribed
40 for and on their behalf by James Mackenzie a director thereof at Glasgow on the twenty-sixth day of the month and year last mentioned before these witnesses John Hunter Wallace and Alexander Douglas Dickson both clerks to Messieurs Wright

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Johnston and Mackenzie writers in Glasgow and by Frederick Crombie Gardiner also a director and Harry Edmond Ferguson the secretary thereof also at Glasgow on the date last mentioned before these witnesses Alfred Graham Hislop and James Murray MacConnachie both clerks to the Company Declaring that the 5 word "such" occurring on the twenty-first line of page second and the word "taxes" occurring on the eleventh line of page sixth hereof are both written upon erasures and that the word "said" occurring on page second hereof is interlined so as to read between the words "which" and "option" on line twenty- 10 sixth all before subscription.

ROBERT LILE Witness.

DUNCAN J. BLACK Witness.

ROBERT LAMBIE.

JAMES PRENTICE.

THOS. MUNRO County Clerk.


 Seal of
County
Council.

J. H. WALLACE Witness.

A. DOUGLAS DICKSON Witness.

JAMES MACKENZIE Director.


 Seal of
Company.

A. G. HISLOP Witness.

JAS. M. MACCONNACHIE Witness.

F. C. GARDINER Director.

H. E. FERGUSON Secretary.

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Clyde Valley
Electrical Power Order
Confirmation. [H.L.]

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INTRODUCED

An Act to confirm a Provisional Order
under the Private Legislation Pro-
cedure (Scotland) Act 1899 relating
to Clyde Valley Electrical Power
Company.

Brought from the Lords 31 July 1912.

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